IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10533 OF 2004

Maharashtra Rajya Suraksha Rakshak
& General Kamgar Union ...Petitioner
Vs.
Pune District Security Guards Board
& Ors. ...Respondents

Mrs.Ranjana Todankar for Petitioner
Mr.L.S. Desai for Respondent No.1
Mr. K.S. Bapat for Respondent No.2
Mr. Kishor Gumaste for Respondent No.3

CORAM: H.L.GOKHALE &
S.P.KUKDAY,JJ.
DATED: 21ST JUNE, 2005

P.C.

1. Heard Mrs. Todankar in support of this Petition. Mr. Desai appears for Respondent No.1. Mr. Bapat appears for Respondent No.2 and Mr. Gumaste appears for Respondent No.3.

2. This Petition seeks that the Guards, whose names are listed in Exhibit-A to the Petition, be registered with the first Respondent Board and they be allotted to Respondent No.2, Principal employer. Mr. Gumaste appearing for Respondent No.3 has drawn our attention to the reply filed on behalf of the Respondent No.2 as well as the reply filed by the Security Agency which is Respondent No.3. The reply of the Respondent No.3 Agency is affirmed by one Mr.Sudheer V. Daftardar. He has annexed the Government Notification dated 27th July, 2004 to this reply wherein the name of Respondent No.2 appears at serial No.29 and the Guards engaged are also listed.

They are exempted. As far as the Guards on whose behalf the Petition is filed, it is stated that they have also sought exemption. Mrs. Todankar states that they have not sought any exemption. She further states that they have filed such applications under duress. A disputed question of facts arised. In any case if the Guards, whose names are mentioned in Exhibit-A, do not want any exemption and want to be registered with the Board, it will be open to them to approach the Board if they are eligible for it. Nothing further can be done in the matter.

. Mr. Gumaste appearing for the Security Agency points out that whereas the Guards under the Board get an amount of Rs.2400/- per month, the Agency is paying more amount of Rs.3800/-.

. The Petition is disposed of accordingly.

(H.L.GOKHALE,J.)

(S.P.KUKDAY,J.)